

employment discrimination action is the head of the agency. 42 U.S.C. § 2000e-16(c). See also Handcock v. Egger, 848 F.2d 87 (6th Cir. 1988) (the statute's requirements for naming the proper party is mandatory, failing to name agency head warrants dismissed) and Mulhall v. Aschcroft, 287 F.3d 543, 550 (6th Cir. 2002) (naming a subunit of an agency as defendant instead of agency head improper and warrants dismissal). To date, Plaintiff has not responded to the motion.

Plaintiff has the burden of proving that proper jurisdiction does exist. DLX, Inc. v. Kentucky, 381 F.3d 511, 516 (6th Cir. 2004). Under Title VII, Plaintiff must name the head of the United States Postal Service and he failed to comply with Section 2000e-16(c).

Thus, the motion to dismiss (Docket Entry No. 18) filed by the United States Postal Service, Amy Hale and Robert Widelock is **GRANTED** and this action is **DISMISSED with prejudice** to the named Defendants, but **without prejudice to the merits of Plaintiff's underlying claims**.

It is so **ORDERED**.

ENTERED this the 19th day of September, 2012.


WILLIAM J. HAYNES, JR.
Chief United States District Judge